

**CHAPTER NO. 235**

**HOUSE BILL NO. 2306**

**By Representatives McMillan, Tidwell, Pinion**

**Substituted for: Senate Bill No. 2302**

**By Senators Kyle, Norris**

AN ACT to amend Tennessee Code Annotated, Sections 55-10-301, 55-50-102(48), 55-50-302(c)(2), 55-50-404(d), and 55-50-405 relative to serious traffic violations and the issuance of restricted driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-301 is amended by adding the following new subsection:

(c) The provisions of subsection (b) shall not apply to any person who holds a Class A, B, or C license and is charged with any violation, (except a parking violation) in any type of motor vehicle.

SECTION 2. Tennessee Code Annotated, Section 55-50-102(48), is amended by adding the following as new subdivisions (D), (E) and (F) and re-designating existing subdivision (D) as new subdivision (G).

(D) Driving a commercial motor vehicle without obtaining a commercial driver license.

(E) Driving a commercial motor vehicle without a commercial driver license in the driver's possession.

(F) Driving a commercial motor vehicle without the proper class of commercial driver license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

SECTION 3. Tennessee Code Annotated, Section 55-50-302(c)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) The applicant must not currently be under a driver license suspension or revocation in this or any other state.

SECTION 4. Tennessee Code Annotated, Section 55-50-404(d), is amended by deleting the last sentence of such subsection.

SECTION 5. Tennessee Code Annotated, Section 55-50-405, is amended by adding the following as a new subsection (g):

(g) Notwithstanding any other provision in this section, the privilege of operating a commercial motor vehicle shall be subject to the provisions of 49 C.F.R. Parts 383 and 384 relative to the disqualification of drivers.

SECTION 6. Tennessee Code Annotated, Section 55-50-405 is amended by adding the following as a new subsection:

(h) Any person charged with driving a commercial motor vehicle without a commercial driver license in the driver's possession, may on or before the court date submit evidence of compliance at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge shall be dismissed without cost to the defendant and no litigation tax shall be due or collected, notwithstanding any provision of law to the contrary.

SECTION 7. Tennessee Code Annotated, Section 55-50-303(a)(2), is amended by deleting the last sentence of the subdivision in its entirety:

SECTION 8. Tennessee Code Annotated, Section 55-50-405, is amended by adding a new subsection thereto, as follows:

(i) Pursuant to the provisions of 49 C.F.R. Section 350.341, no provision of law relative to commercial driver licenses, including but not limited to physical qualification standards and records to be kept by drivers, shall be applicable to drivers of motor vehicles which have a gross vehicle weight rating or gross combination weight rating of twenty-six thousand pounds (26,000 lbs.) or less that are operated in intrastate commerce to transport property, and that do not transport:

- (1) Hazardous materials required to be placarded;
- (2) Sixteen (16) or more persons, including the driver; or
- (3) Passengers for hire.

SECTION 9. This act shall take effect September 1, 2005, the public welfare requiring it.

PASSED: May 9, 2005

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 27<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR